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7  
8 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

9 William Witter,  
10 Petitioner,  
11 v.  
12 Jeremy Bean,<sup>1</sup> *et al.*,  
13 Respondents.

Case No. 3:20-cv-00345-APG-CSD  
**Stipulation And Order to Stay  
Federal Proceedings Pending  
Exhaustion of State Remedies**

DEATH PENALTY CASE

22  
23 <sup>1</sup> Jeremy Bean is substituted for William Gittere as Warden of High Desert  
Prison. Fed. R. Civ. P. 25(d).

## **STIPULATION**

Petitioner William Witter, through counsel Stacy Newman, Assistant Federal Public Defender, and Respondent Jeremy Bean, et al, through counsel Jeffrey Conner, Chief Deputy Solicitor General, hereby stipulate as follows:

- On June 12, 2020, Mr. Witter filed a Petition for Writ for Habeas Corpus in this Court. See ECF No. 2. In his petition, Mr. Witter stated that “[t]here may be reasonable confusion regarding whether Mr. Witter is required to again present the claims in the instant petition that can only be raised in state court post-conviction proceedings.” *Id.* at 13.
  - On December 9, 2020, Mr. Witter filed a habeas petition in the Eighth Judicial District of Nevada. This petition was filed in the event Mr. Witter sought to exhaust claims raised in his federal habeas corpus proceedings.
  - The parties agree that the federal proceedings should be stayed pending the conclusion of this state exhaustion proceeding.
  - The parties agree that the exhaustion proceeding includes any appeal to the Nevada Supreme Court following resolution of the petition in the state district court, and that the proceeding is concluded once remittitur issues from that appeal.
  - The parties agree that Mr. Witter will file a status report regarding the progress of the exhaustion proceeding on June 15, 2025, and every six

1           months thereafter until the proceeding is concluded. Respondents may,  
2           if necessary, file and serve a response to any such status report within  
3           15 days after its service. If necessary, Mr. Witter may then file a reply  
4           within 15 days of service of the response.

- 5           • The parties agree that Mr. Witter will file a motion to reopen the  
6           federal proceeding within thirty days of the conclusion of the state  
7           exhaustion proceeding.
- 8           • The parties agree that Respondents do not, by stipulating to the  
9           instant stay, intend to waive any procedural defenses. By agreeing to  
10           this procedure, Respondents do not concede that Mr. Witter's  
11           post-exhaustion petition will be considered fully exhausted, timely,  
12           free from procedural default, or free from challenge under any other  
13           procedural defenses.

14           DATED this 25th day of February, 2025.

15           Rene L. Valladares  
16           Federal Public Defender

17           /s/ Stacy M. Newman  
18           Stacy M. Newman  
19           Assistant Federal Public Defender

Aaron Ford  
Nevada Attorney General

/s/ Jeffrey Conner  
Jeffrey Conner  
Chief Deputy Solicitor General

20           IT IS SO ORDERED

21             
22           Chief U.S. District Judge Andrew P. Gordon

23           DATED: March 11, 2025